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4 Seeking Appointment as Attorney for Defendant  
5 FRANCISCO MEDINA CASTANEDA

6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 FRANCISCO MEDINA  
15 CASTANEDA,

16 Defendant.  
17  
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No. CR-S 03-549-EJG

DEFENDANT FRANCISCO  
MEDINA CASTANEDA'S  
APPLICATION FOR APPOINTMENT  
OF COUNSEL AND PROPOSED  
ORDER

RETROACTIVE CRACK COCAINE  
REDUCTION GUIDELINE CASE

19 Pursuant to 18 U.S.C. §§ 3006A(c) and 3582(c)(2), Defendant, FRANCISCO  
20 MEDINA CASTANEDA, hereby requests the court appoint attorney John Balazs as  
21 counsel to represent him with respect to a potential motion to reduce his sentence under  
22 recent crack cocaine guideline amendments pursuant to 18 U.S.C. § 3582(c)(2).

23 Assistant Federal Defender David Porter contacted undersigned counsel and  
24 suggested he request appointment regarding a § 3582(c)(2) motion rather than the Federal  
25 Defender's Office because counsel had represented Mr. Castaneda as appointed counsel on  
26 appeal and at resentencing. Mr. Castaneda is currently incarcerated at USP Coleman,  
27 Florida, where he serving the 262-month sentence of imprisonment imposed in this case.  
28 Mr. Castaneda has requested to pursue a § 3582(c)(2) motion to reduce his sentence and

1 has requested that Mr. Balazs be appointed to represent him with respect to such a motion.

2 Appointment of counsel would also serve the interests of justice in this case because  
3 it might facilitate a negotiated disposition of a § 3582(c)(2) motion. Because Mr.  
4 Castaneda's substantial rights may be affected by these criminal proceedings, he is  
5 constitutionally entitled to appointment of counsel. *Mempa v. Rhay*, 389 U.S. 128, 134  
6 (1967).

7 Accordingly, Mr. Castaneda requests the Court issue the order lodged herewith.

8 Respectfully submitted,

9 Dated: April 24, 2012

10  
11 /s/ John Balazs  
JOHN BALAZS

12 Attorney for Defendant  
13 FRANCISCO MEDINA CASTANEDA  
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16 **ORDER**

17 Pursuant to defendant's request, and good cause appearing therefor, attorney  
18 John Balazs is hereby appointed to represent defendant with respect to a motion to reduce  
19 sentence.

20 DATED: April 24, 2012

21 /s/ Edward J. Garcia

22 HON. EDWARD J. GARCIA  
23 United States District Judge  
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